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E-Filed on 12/12/07

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**STIPULATION RE WITHDRAWAL
OF PROOFS OF CLAIM NOS. 10725-
02208; 10725-02209, 10725-02210
FILED BY LARRY AND/OR PATSY
RIEGER OR LARRY L. AND PATSY
R. RIEGER REVOCABLE TRUST**

The USACM Liquidating Trust (the "USACM Trust"), by and through its undersigned counsel, and Larry L. and Patsy R. Rieger Revocable Trt Dtd 8/14/91, Larry L. Rieger IRA, and Patsy R. Rieger IRA, ("Rieger"), stipulate:

1. Larry L. and Patsy R. Rieger Revocable Trt Dtd 8/14/91 filed Proof of Claim No. 10725-01739.

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1 2. Larry L. and Patsy R. Rieger Revocable Trt Dtd 8/14/91 filed Proof of Claim
2 No. 10725-01740.

3 3. Larry L. Rieger IRA filed Proof of Claim No. 10725-02208.

4 4. Patsy R. Rieger IRA filed Proof of Claim No. 10725-02209.

5 5. Larry L. and Patsy R. Rieger Revocable Trt Dtd 8/14/91 filed Proof of Claim
6 No. 10725-02210.

7 6. On March 20, 2007, the USACM Trust filed its Seventeenth Omnibus
8 Objection to Proofs of Claim filed as Secured [DE 3165] objecting to the secured status of
9 Claim No. 10725-02210 and requesting the claims be reclassified as a general unsecured
10 claim.

11 7. On March 20, 2007, the USACM Trust filed its Twenty-Sixth Omnibus
12 Objection to Proofs of Claim filed as Secured [DE 3194] objecting to the secured status of
13 Claim Nos. 10725-02208 filed by Larry L. Rieger IRA and to 10725-02209 filed by Patsy
14 R. Rieger, IRA arguing that the proofs of claim are not entitled to secured status and
15 requested that the claims be reclassified as general unsecured claims.

16 8. On March 23, 2007, the USACM Trust filed it Second Omnibus Objection
17 to Proofs of Claim Asserting Priority Status [DE 3259] objection to the priority status of
18 Claim No. 10725-01739 filed by Larry L. and Patsy R. Rieger Revocable Trust Dtd
19 8/14/91.

20 9. The objections [DE 3165, 3194, 3259] were included in the Motion for
21 Summary Judgment Regarding (1) Responses to the USACM Trust's First Through
22 Thirty-Third Omnibus Objection To Claims Asserting a Secured Status (2) Responses to
23 USACM Trust's First Through Third Omnibus Objection to Claims Asserting a Priority
24 Status; and (3) Newly Alleged Secured and Priority Claims [DE 65]. The Riegers did not
25 appear at the hearing held on October 15, 2007.
26

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1 10. On October 31, 2007, an Order Sustaining the USACM Liquidating Trust
2 Objection to the Claim of Larry L. Rieger IRA to Claims Asserting Secured Status [DE
3 5160] was signed by this Court and Claim No. 10725-002208 was reclassified as a general
4 unsecured claim.

5 11. On October 31, 2007, an Order Sustaining the USACM Liquidating Trust
6 Objection to the Claim of Patsy R. Rieger IRA to Claims Asserting Secured Status [DE
7 5161] was signed by this Court and Claim No. 10725-002209 was reclassified as a general
8 unsecured claim.

9 12. On October 31, 2007, an Order Sustaining the USACM Liquidating Trust
10 Objection to the Claim of Larry L. and Patsy R. Rieger Revocable Trust to Claims
11 Asserting Secured Status [DE 5161] was signed by this Court and Claim No. 10725-02210
12 was reclassified as a general unsecured claim.

13 13. On November 15, 2007, this Court issued an Order Scheduling Rehearing
14 [DE 5337] on Proofs of Claim Nos. 10725-01739, 10725-02208, 10725-02209 and 10725-
15 02210 filed by Riegers for December 20, 2007 at 10:30 a.m.

16 14. No objection has been filed to Proof of Claim No. 10725-01740 at this time.

17 15. The parties stipulate and agree that Proofs of Claim Nos. 10725-02208 filed
18 by Larry L. Rieger, IRA; 10725-02209 filed by Patsy R. Rieger IRA, and 10725-02210
19 filed by Larry L. & Patsy R. Rieger Revocable Trust Dtd 8/14/91 shall be withdrawn and
20 no further notice shall be given to Riegers on these proofs of claim.

21 16. The hearing scheduled for December 14, 2007 on Proof of Claim No. 10725-
22 01739 may be vacated because a hearing has been scheduled for December 20, 2007 at
23 10:30 a.m.

24 17. The hearing scheduled for December 20, 2007 on Claim Nos. 10725-02208,
25 10725-02209, and 10725-02210 may be vacated. The hearing will be held as to Claim
26 No. 10725-01739.

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DATED: December 7, 2007.

LEWIS AND ROCA LLP

By: /s/ RC (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)

Rob Charles, NV 6593

Counsel for USACM Liquidating Trust

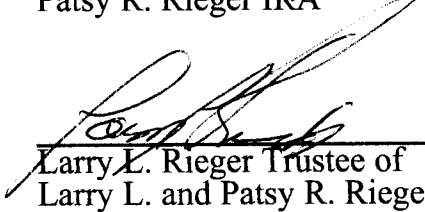
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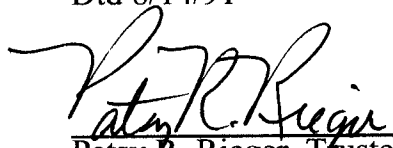
Larry L. Rieger IRA



Patsy R. Rieger IRA



Larry L. Rieger Trustee of
Larry L. and Patsy R. Rieger Revocable Trust
Dtd 8/14/91



Patsy R. Rieger, Trustee of
Larry L. and Patsy R. Rieger Revocable Trust
Dtd 8/14/91